

FEBRUARY 6, 2023

REGULAR SESSION

The LaGrange County Commissioners met in Regular Session on Monday, February 6, 2023, in their meeting room, County Office Building, 114 W. Michigan Street, LaGrange, Indiana, 46761, at 8:30 a.m., with the following present: Commissioners, Mr. Terry A. Martin and Mr. Peter A. Cook, and LaGrange County Auditor, Kathryn Hopper. Mr. Kevin R. Myers was absent. Mr. Terry Martin, President, called the meeting to order and led in saying the Pledge of Allegiance to the Flag. Mr. Peter Cook made a motion to adopt the proposed agenda with flexibility. Mr. Terry Martin seconded the motion and it carried unanimously.

NUISANCE ISSUE – 3460 SOUTH 1145 EAST LAND TRUST, 3460 S 1145 E, LAGRANGE, INDIANA

Mr. Kurt Bachman, County Attorney, reported that the nuisance issue for 3460 South 1145 East Land Trust, 3460 S 1145 E, LaGrange, Indiana is being worked on. Mr. Bill Stewart, Code Enforcement Officer, would like to continue the order until February 21, 2023. Mr. Peter Cook made a motion to continue the nuisance matter until February 21, 2023. Mr. Peter Cook seconded the motion and it carried unanimously.

RESOLUTION OF THE LAGRANGE COUNTY BOARD OF COMMISSIONERS APPROVING THE PURCHASE OF SPECIFIED REAL ESTATE AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO

Mr. Kurt Bachman, County Attorney, presented the following Resolution for consideration:

COUNTY OF LAGRANGE
RESOLUTION 2023-02-06 A

A RESOLUTION OF THE LAGRANGE COUNTY BOARD OF COMMISSIONERS APPROVING THE
PURCHASE OF SPECIFIED REAL ESTATE AND AUTHORIZING CERTAIN ACTIONS RELATED
THERETO

WHEREAS, the County of LaGrange, Indiana (the “County”), has been vested with the power to purchase any interest in real property under Indiana Code §36-1-4-5; and

WHEREAS, the County is interested in purchasing certain real property consisting of approximately 13.93 acres of the unimproved and undeveloped portion of the 82.114 acres generally depicted on Exhibit “A” attached hereto and made a part hereof and as fully as if set forth herein, and all privileges, and appurtenances pertaining thereto include any right, title, and interest of Seller in and to adjacent streets, alleys, or rights-of-way (the “Real Estate”), which Real Estate is more commonly known as a portion of 1635 E. 025 N, LaGrange, Indiana 46761; and

WHEREAS, the Board of Commissioners of the County of LaGrange (the “Commissioners”), have entered into a Real Estate Purchase Agreement (the “Purchase Agreement”) with the owner of the Real Estate for the purchase thereof at a total price (including land and structures, if any) that is in excess of Twenty-five Thousand Dollars (\$25,000.00), but which is subject to, among other contingencies, compliance of Indiana Code §36-1-10.5-5 (the “Act”); and

WHEREAS, the Act provides that if the purchase of the Real Estate has a total price (including land and structures, if any) in excess of Twenty-five Thousand Dollars (\$25,000.00), the LaGrange County Council (the “Council”), as the fiscal body of the County, is required to pass a Resolution to the effect that it is interested in making a purchase of the Real Estate; and

WHEREAS, pursuant to the Act, the Council did hereto before adopt Resolution No. 2022-12-12A declaring its interest in making a purchase of the Real Estate pursuant to the terms and conditions established and set forth in the Purchase Agreement; and

WHEREAS, pursuant to the Act, the Commissioners are required to: (i) appoint two (2) appraisers professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under Indiana Code §25-34.1 to appraise the fair market value of the Real Estate; and (ii) to purchase the Real Estate for a price not greater than the average of the two (2) appraisals received; and

WHEREAS, the Commissioners have hereto before authorized the appointment of two (2) appraisers professionally

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engaged in making appraisals or that are trained as an appraiser and licensed as a broker under Indiana Code §25-34.1 to appraise the fair market value of the Real Estate, and said appraisers have returned their separate appraisals; and

WHEREAS, the purchase price for the Real Estate as set forth in the Purchase Agreement is not greater than the average of the two (2) appraisals received; and

WHEREAS, the Commissioners desires to approve the term and conditions of the Purchase Agreement to purchase the Real Estate and take all other action associated therewith.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA, THAT:

SECTION I

The Commissioners hereby approves and ratifies the appointment of Stephanie A. Young of Caldwell Appraisals & Auctioneering, Inc. and John Myers of Hosler Appraisal, Inc., said persons being- two (2) appraisers who are professionally engaged in making appraisals or who are trained as an appraiser and licensed as a broker under Indiana Code §25-34.1, to appraise the Real Estate. Said appraisers have returned their separate appraisals to the County within thirty (30) days of their appointment by filing the same with the LaGrange County Auditor, who shall keep the appraisals on file in said Office for five (5) years after the date they were received.

SECTION II

The Commissioners hereby approve and ratify the purchase of the Real Estate and the Purchase Agreement hereto before entered.

SECTION III

The President of the Commissioners, and the County Auditor, be and they hereby are authorized and empowered on behalf of the County to execute and deliver all closing statements, claims, payment obligations, affidavits, and other documents, as in their judgment they deem best and as may be desired or required in connection with the payment for, and closing on the purchase of the Real Estate pursuant to the terms of the Purchase Agreement.

SECTION IV

That the execution by the President of the Commissioners, or the County Auditor, of any document authorized by this Resolution, or any document executed by any and/or all of them in the accomplishment of any action or actions so authorized, is the enforceable and binding act and obligation of the Commissioners and the County, without the necessity of the signature of attestation of any other officer or member of the Commissioners.

SECTION V

No part of this Resolution shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of the Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of the Resolution are hereby declared severable.

SECTION VI

This Resolution shall be effective upon passage.

Mr. Peter Cook made a motion to approve the Resolution and to authorize the president to sign all necessary documents related to the closing. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Peter Cook made a motion to waive the requirement for second reading. Mr. Terry Martin seconded the motion and it carried unanimously.

RESOLUTION OF THE LAGRANGE COUNTY BOARD OF COMMISSIONERS APPROVING THE PURCHASE OF SPECIFIED REAL ESTATE AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO

Mr. Kurt Bachman, County Attorney, presented the following Ordinance for consideration:

COUNTY OF LAGRANGE

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ORDINANCE NO. 2023-02-06 B

AN ORDINANCE AUTHORIZING THE POSTING OF BRIDGE WEIGHT LIMIT SIGNS IN THE COUNTY.

WHEREAS, pursuant to Indiana Code ("IC") § 9-20-1-3, a local authority may prohibit the operation of trucks or other commercial vehicles, and impose limitations as to the size, weight, or use on designated highways in its jurisdiction and post signs accordingly;

WHEREAS, pursuant to IC § 9-20-7-2, a local authority in charge of a bridge may reduce the gross load weight allowed below the maximum load prescribed by state statute;

WHEREAS, pursuant to Indiana Department of Transportation ("INDOT") Bridge Inspection Memorandum No. 22-03 dated April 29, 2022 ("Memorandum"), all bridges, where determined by approved load rating calculations, shall be properly posted for all load restrictions, including emergency vehicles;

WHEREAS, pursuant to the Memorandum, the signage requirements for all bridges, as listed in Part 3 of the INDOT Bridge Inspection Manual, have been updated;

WHEREAS, pursuant to IC § 36-1-2-9, the Board of Commissioners of the County of LaGrange ("Commissioners") is the legislative body of LaGrange County, Indiana ("County");

WHEREAS, pursuant to the LaGrange County Traffic Ordinance, the County maintains a "Bridge Inventory," which refers collectively to the most recent versions of the NBIS load posting summary, the Phase I County Bridge Inspection Report, the LaGrange County Bridge Inventory Asset System (BIAS) Report, and the LaGrange County Small Structure Inventory Report;

WHEREAS, the County Engineer determined that the County's bridges were not generally in compliance with the new requirements of the Memorandum with respect to emergency vehicles;

WHEREAS, the County Engineer determined that further signage needed to be implemented for the bridges in the Bridge Inventory, in accord with the bridge sign inspection data, as provided in Exhibit A of this ordinance; *and*

WHEREAS, the Highway Department has since posted all the bridge signs necessary to be in conformance with the Memorandum.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA THAT:

SECTION I – NAME

The name of this ordinance is the "Emergency Vehicle Bridge Sign Ordinance."

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – AUTHORIZATION

- A. Purchase. The Engineer and the Highway Superintendent are hereby directed to purchase a quantity of emergency vehicle weight limit bridge signs substantially similar to the sign depicted in Exhibit B ("sign") in an amount sufficient to conform to this ordinance.
- B. Location. One sign shall be posted at each approach of each bridge and small structure listed in Exhibit A and at each intersection immediate prior to each such approach.
- C. Posting. The Engineer and the Highway Superintendent are hereby directed to post the signs required by the Memorandum for all bridges and small structures in the Bridge Inventory in accord with Exhibit A and as otherwise deemed reasonably necessary.

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- D. Data Amendment. The Engineer is hereby directed to update and file the bridge sign inspection data given in Exhibit A with the Auditor when the sign project is complete.

SECTION IV – RETROACTIVE EFFECTIVE DATE

This ordinance shall be deemed effective as of, and retroactive to, June 30, 2022.

SECTION V – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

B. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, and for this purpose the provisions of this ordinance are hereby declared to be severable.

E. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.

Mr. Peter Cook made a motion to approve the Ordinance. Mr. Terry Martin seconded the motion and it carried unanimously. Mr. Terry Martin made a motion to waive the requirement for second reading. Mr. Peter Cook seconded the motion and it carried unanimously.

COUNCIL ON AGING – THIRD PARTY LEASE AND SERVICE AGREEMENT

Mr. Kurt Bachman, County Attorney, presented a Third Party Lease and Service Agreement between the Board of Commissioners and the LaGrange County Council on Aging, Inc. This is for the vehicles that the grant provides for. Mr. Peter Cook made a motion to approve the agreement and authorize the president to sign it. Mr. Terry Martin seconded the motion and it carried unanimously.

JUVENILE DETENTION ALTERNATIVES DETENTION – COORDINATOR AGREEMENT

Mr. Randy Merrifield, J Coordinator was present. He explained that the Coordinator Agreement needs to be updated. The grant year runs June 1 to July 30. Mr. Peter Cook made a motion to have the County Attorney review the agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

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PARKS – VEHICLE PURCHASE

Mrs. Mary Franke, Park Director, presented explained that she obtained two quotes for a 2023 Chevrolet Traverse. The lowest quote is from Harold Chevrolet in the amount of \$33,890. She has funding in the Cumulative Capital Development fund. Mr. Peter Cook made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

PARKS – SCAFFOLDING PLANK FOR SKID STEER

Mrs. Mary Franke, Park Director, presented a quote from Dalam Welding in the amount of \$4,125 for heavy duty scaffold / walk plank for the skid loader. She has funding in the Cumulative Capital Development fund. Mr. Peter Cook made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

PARKS – ALARM SYSTEM

Mrs. Mary Franke, Park Director, presented a quote from TechSolutions, in the amount of \$14,775.65 to replace five alarms in the County Parks, as well as the card readers. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

PARKS – REQUEST TO APPLY FOR A GRANT

Mrs. Mary Franke, Park Director, requested permission to apply for a grant from the Convention and Visitors Bureau in the amount of \$1,500. This will help with the Maple Syrup festival expenses. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

PARKS – SURPLUS ITEMS

Mrs. Mary Franke, Park Director, requested to have the 2006 Chevrolet K1500 Silverado, a Jen Air refrigerator, and kitchen cabinets and sink from Maplewood Park, declared as surplus items. Mr. Peter Cook made a motion to approve the request. Mr. Terry Martin seconded the motion and it carried unanimously.

HIGHWAY – PURCHASE OF ASPHALT HOT BOX

Mr. Aaron Fugate, Highway Supervisor, presented three quotes for an asphalt hot box. The lowest quote is from SealMaster in the amount of \$51,391.67. Mr. Peter Cook made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

HIGHWAY – PURCHASE OF COMPACTOR PLATE

Mr. Aaron Fugate, Highway Supervisor, presented three quotes for a compactor plate for the excavator. The lowest quote is from West Side Tractor Sales, Co, in the amount of \$9,550. Mr. Peter Cook made a motion to approve the quote . Mr. Terry Martin seconded the motion and it carried unanimously.

HIGHWAY – VEHICLE PURCHASE

Mr. Aaron Fugate, Highway Supervisor, presented a quote from Shepherd's Family Auto Group, in the amount of \$46,805 for a 2023 GMC Sierra 2500 HD Pro. Mr. Peter Cook made a motion to approve the purchase. Mr. Terry Martin seconded the motion and it carried unanimously.

BRIDGE INSPECTION CONTRACT

Mrs. Tharon Morgan, County Engineer, presented an amendment to the Indiana Department of Transportation Bridge Inspection Contract. Mr. Peter Cook made a motion to approve the amendment. Mr. Terry Martin seconded the motion and it carried unanimously.

DRIVEWAYS NOT IN COMPLIANCE

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Mrs. Tharon Morgan, County Engineer, requested permission to work with the County Attorney on driveways that are not in compliance. Mr. Peter Cook made a motion to approve. Mr. Terry Martin seconded the motion and it carried unanimously.

ROAD IMPROVEMENTS – ADDITIONAL APPROPRIATION

Mrs. Tharon Morgan, County Engineer, explained that she would like to request from the County Council the remainder of the \$11,000,000, which is \$5,500,000, for road improvements. Mr. Peter Cook made a motion to send the request to the County Council with a positive recommendation. Mr. Terry Martin seconded the motion and it carried unanimously.

INFORMATION TECHNOLOGY – NETWORK SOLUTIONS CHANGE ORDER

Mr. Dave Warren, Information Technology Director, presented a change order from Network Solutions for additional firepower for connection to the State of Indiana, in the amount of \$6,140.81. Mr. Peter Cook made a motion to approve the change order and authorize the president to sign the order. Mr. Terry Martin seconded the motion and it carried unanimously.

LAGRANGE COUNTY SURVEYOR – COUNTERTOP IN OFFICE

Mr. Zachary Holsinger, LaGrange County Surveyor, presented three quotes for a new countertop with a swinging door for the Surveyor office. The lowest quote is from High Point Designs LLC in the amount of \$6,257.15. Mr. Peter Cook made a motion to approve the quote pending the County Council's approval for funding. Mr. Terry Martin seconded the motion and it carried unanimously.

LAGRANGE COUNTY CLERK – CSI-COMPUTER SYSTEMS, INC.

Ms. Kimberley Johnson, LaGrange County Clerk, presented a software license agreement with CSI-Computer Systems, Inc. for the clerk and courts. The agreement is in the amount of \$4,000 and is for a read only of information. Mr. Peter Cook made a motion to approve the agreement. Mr. Terry Martin seconded the motion and it carried unanimously.

LAGRANGE COUNTY ARTS COUNCIL

Ms. Mary Woodworth, President of the LaGrange County Arts, explained that the Convention and Visitors Bureau has applied for a grant on their behalf to put a piece of sculpture in LaGrange County. She is requesting permission to place a sculpture on the southeast corner of the Courthouse lawn. Mr. Peter Cook made a motion to approve the placement of the sculpture. Mr. Terry Martin seconded the motion and it carried unanimously.

ACCOUNTS PAYABLE VOUCHERS

Mrs. Kathryn Hopper, County Auditor, presented the Accounts Payable Vouchers. Mr. Peter Cook made a motion to approve the vouchers. Mr. Terry Martin seconded the motion and it carried unanimously.

JANUARY 2023 FINANCIAL REPORT

Mrs. Kathryn Hopper, County Auditor, presented the financial statement for the month ending January 31, 2023, in the amount of \$62,210,745.87 and investments of \$10,000,000. Mr. Peter Cook made a motion to accept the report. Mr. Terry Martin seconded the motion and it carried unanimously.

MINUTES

Mr. Peter Cook made a motion to approve the minutes of the January 17, 2023, regular session meetings. Mr. Terry Martin seconded the motion and it carried unanimously.

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MEMORANDUM

Mr. Peter Cook made a motion to approve the memorandum for the February 1, 2023, staff meeting. Mr. Terry Martin seconded the motion and it carried unanimously.

CORRESPONDENCE

LaGrange County Treasurer – January 2023 report

Indiana Department of Environmental Management – Notice of Approval, Keystone Recreational Vehicle Company Plant 820, 0965 N 1150 W, Middlebury, Indiana, Permit Number 087-46126-00062

Indiana Department of Environmental Management – Notice of Approval, Wellspring Components, LLC, 1085 N 850 W, Shipshewana, Indiana, Permit Number 087-45570-00725

ADJOURNMENT

There being nothing further to come before the Board at this time, Mr. Peter Cook made a motion to adjourn and meet on any subsequent day necessary to carry on the business of the Board. Mr. Terry Martin seconded the motion and it carried unanimously.



Terry A. Martin

Kevin R. Myers

Peter A. Cook

ATTEST:



Kathryn Hopper
LaGrange County Auditor